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Watercraft Superstore, Inc.

**\*\*E-FILED: FEBRUARY 12, 2013\*\***

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

WEST MARINE, INC.,

Plaintiff,

vs.

WATERCRAFT SUPERSTORE, INC.,

Defendant.

Case No.: 5:11-04459 HRL

**STIPULATION TO EXTEND EXPERT  
DISCOVERY DEADLINES IN LIGHT  
OF TENTATIVE AGREEMENT  
REGARDING SETTLEMENT  
(MODIFIED BY THE COURT)**

Judge: Magistrate Judge  
Howard R. Lloyd

AND RELATED COUNTERCLAIMS

**STIPULATION AND ~~[PROPOSED]~~ ORDER**

WHEREAS, the deadline to submit rebuttal expert reports is currently set for February 15, 2013;

WHEREAS, the parties, Plaintiff West Marine, Inc. ("West Marine") and Defendant Watercraft Superstore, Inc. ("Watercraft"), have reached a tentative agreement concerning the settlement of all claims in this action;

WHEREAS, in light of this tentative agreement, the parties have stipulated, subject to approval of the Court, to extend the rebuttal expert report deadline and the related cut-off for expert discovery by one week;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between West Marine and Watercraft, through their counsel of record, as follows:

1. The deadline to submit rebuttal expert reports, currently scheduled for ~~February 15,~~ January 25, 2013, 2013, will be extended to February 22, 2013;

2. The expert discovery cutoff, currently scheduled for ~~February 25, 2013,~~ February 15, 2013, will be extended to March 4, 2013;

2. The parties will apprise the Court of any further developments regarding settlement.

Dated: February 12, 2013

Respectfully submitted,

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: /s/ Allen Ruby

ALLEN RUBY

Attorneys for Defendant

WATERCRAFT SUPERSTORE, INC.

I, Allen Ruby, am the ECF User whose ID and password are being used to file this Stipulation To Extend Expert Discovery Deadlines In Light Of Tentative Agreement Regarding Settlement and [Proposed] Order. In compliance with General Order 45, X.B., I attest that the following signatory has concurred in this filing.

1 DATED: February 12, 2013

GREENBERG TRAURIG, LLP

3 By: /s/ Ian C. Ballon

4 IAN C. BALLON  
5 Attorneys for Plaintiff  
6 WEST MARINE, INC.

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8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 **The Court does not intend to extend the deadline for hearings on dispositive motions.**

10 DATED: February 12, 2013

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13 HON. HOWARD K. LLOYD  
14 UNITED STATES DISTRICT COURT  
15 MAGISTRATE JUDGE  
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